

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:19-CV-73-FL

ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert T. Numbers, II, recommending that defendant’s motion to dismiss (DE 15) be denied without prejudice. Defendant has not filed objections, and plaintiff has filed objections generally urging the court to deny the motion and award benefits. This matter is ripe for ruling.

Upon careful review of the M&R and of the record generally, the court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, defendant's motion to dismiss is DENIED WITHOUT PREJUDICE. Plaintiff's request for an award of benefits in his favor is premature because a briefing order has not been entered. The clerk of court is directed to continue management of this case.

SO ORDERED this the 23rd day of December, 2019.

Louise W. Flanagan
LOUISE W. FLANAGAN
United States District Judge